

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

 ORIGINAL

-----X		
Miranda D'Ancona,	:	Civil Action No.: 07 CV 5788
Marie Rupert,	:	
Doris Kaufman,	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
D&R Transport (AKA P.S. Inc),	:	<u>SUMMONS AND COMPLAINT</u>
Donald P. Moore	:	
Defendants.	:	
	:	
-----X		

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on A Joseph Tandet, Plaintiff Marie Rupert's attorney, whose address is 488 Madison Avenue, Suite 1100, New York, New York and answer to the complaint within 30 days after service of this summons upon you, exclusive of the day of service; upon your failure to answer, judgment by default will be taken against you for relief demanded in the complaint.

Clerk of the Court

COMPLAINT

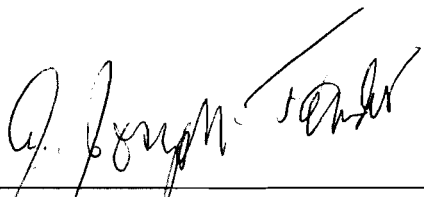
- (a) Jurisdiction founded on a diversity of citizenship and amount.
- (b) Plaintiff Marie Rupert is a citizen of the State of New York
- (c) Upon knowledge and information sufficient to form a belief, Defendant D&R Transport is a corporation incorporated under the laws of the state of Tennessee, having its principal place of business in a state other than the State of New York.

- (d) Defendant Donald Moore at all times hereinafter mentioned, upon information and belief was an employee of D&R Transport and residing in the state of North Carolina.
- (e) The matter in controversy exceeds, exclusive of interest and costs, the sum of \$1,000,000.00
- (f) On February 19, 2007 on a public highway called Christopher Street in the Borough of Manhattan, City and State of New York, Defendant, D&R Transport (AKA P.S. Inc) through its servant, agent and/or employee Donald P. Moore drove a motor vehicle, specifically an 18 wheeler trailer truck, negligently onto the public highway known as Christopher Street, causing D & R Transport's truck to strike Plaintiffs Miranda D'Ancona, Marie Rupert and Doris Kaufman, who were then lawfully walking upon the sidewalk of this public highway Christopher Street in the Borough of Manhattan, City and State of New York.
- (g) The following occurred as a result of the Defendant's negligence: Plaintiff Marie Rupert was struck by a fire hydrant caused to strike the Plaintiff by Defendant's truck. The Fire Hydrant was located on Christopher Street, and by striking Plaintiff caused her to be thrown down to the ground and sustain severe and permanent personal injuries.
- (h) Plaintiff Marie Rupert has suffered great pain of body and mind solely through the recklessness, carelessness and negligence of the Defendant, its servants, agents and/or employees, and without any fault of the Plaintiffs contributing thereto.
- (i) Plaintiff Marie Rupert incurred extensive expenses for medical attention and hospitalization.

- (j) That Plaintiff Marie Rupert has suffered severe permanent injuries and is confined to bed and home, incurring expenses for medical expenses in the sum of \$400,000.00 and has sustained permanent disability, causing her to receive continual medical treatment.

WHEREFORE, Plaintiff Marie Rupert demands judgment against Defendants in the following manner: \$700,000.00 against Defendants jointly and severally; all together with costs, disbursements and such other and further relief as this Court deems just and proper.

Dated: New York, New York
March 26, 2008



A. Joseph Tandet
Attorney for Plaintiffs
488 Madison Avenue - Suite 1100
New York, NY 10022
212-486-9494

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Miranda D'Ancona,
Marie Rupert,
Doris Kaufman

Plaintiff,

- against -

D&R Transport, Donald P. Moore, et al.,

Defendant.
-----X

INDEX NO. 07 CV 5788

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 :SS.:
COUNTY OF NEW YORK)

HOWARD DES CHENES, being duly sworn deposes and says:

1. I am not a party to the action, am over 18 years of age and reside at 707 Beverly Road, Apartment 3C, Brooklyn, New York, 11218.
2. On the 7th day of April, 2008, I served a true copy of the SUMMONS AND COMPLAINT in the following manner:

by mailing a copy to each of the following persons at the last known address set forth after each name below.

D & R Transport
1154 Highway 109 North
Lebanon, TN 37090

Donald P. Moore
16 Donald Drive
Candler, NC, 28715

A. JOSEPH TANDET
Notary Public, State of New York
No. 31-2273800
Qualified in New York County
Commission Expires Dec. 31, 2010


Howard Des Chenes

Sworn to before me this
7th day April, 2008